United Nations CEDAW/C/DNK/CO/8

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the eighth periodic report of Denmark*

1. The Committee considered the eighth periodic report of Denmark (CEDAW/C/DNK/8) at its 1287th and 1288th meetings, on 24 February 2015 (see CEDAW/C/SR.1287 and 1288). The Committee's list of issues and questions is contained in CEDAW/C/DNK/Q/8 and the responses of Denmark are contained in CEDAW/C/DNK/Q/8/Add.1.

A. Introduction

2. The Committee appreciates that the State party submitted its eighth periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party for its delegation, which was headed by the Ambassador and Permanent Representative of Denmark to the United Nations Office and other international organizations in Geneva, Carsten Staur, and included representatives of the Ministry of Employment, the Ministry of Children, Gender Equality, Integration and Social Affairs, the Ministry of Defence, the Ministry of Justice, the Ministry of Health, the Ministry of Foreign Affairs, the Office of the Prime Minister of the Faroe Islands, the Ministry of Trade and Industry of the Faroe Islands, the Ministry of Family, Gender Equality and Social Affairs of Greenland and the Permanent Mission of Denmark to the United Nations Office and other international organizations in Geneva.

4. The Committee welcomes the State party's acknowledgement of the important role played by its national human rights institute and non-governmental organizations, in particular women's rights organizations, in the preparation of the report.

* Adopted by the Committee at its sixtieth session (16 February-6 March 2015).

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B. Positive aspects

5. The Committee welcomes the progress achieved since its consideration in 2009 of the State party's seventh periodic report (CEDAW/C/DNK/7) in undertaking legislative reforms, in particular the adoption of the following:

(a) Gender Equality Act for Greenland, in 2013;

(b) Act on target figures and policy on gender balance in corporate boards, in 2012.

6. The Committee also welcomes the following policy measures taken by the State party:

(a) Adoption of a third national action plan for the implementation of Security Council resolution 1325 (2000), in 2014;

(b) Introduction of a maternity equalization scheme for maternity, paternity and parental leave for self-employed persons, in 2014;

(c) Appointment of the Minister of Gender Equality in Greenland, in 2011;

(d) Adoption of the Strategy and Action Plan against Violence in Greenland (2014-2017).

7. The Committee welcomes the fact that, since its consideration of the previous report (CEDAW/C/DEN/7) in 2009, the State party has ratified the following international instruments:

(a) Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, in 2014;

(b) Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, in 2009.

C. Principal areas of concern and recommendations

Parliament

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the parliament of Denmark and the parliaments of the territories of Greenland and the Faroe Islands, in line with their mandates, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

Visibility of the Convention, the Optional Protocol and the Committee's general recommendations

9. The Committee notes that the State party's report and opening statement to the Committee are available on the website of the Ministry of Foreign Affairs and that the Committee's concluding observations are circulated to ministries, authorities and non-governmental organizations. The Committee is nonetheless concerned that there is inadequate awareness of the Convention in general, the procedures under

the Optional Protocol for filing claims of violations of women's rights, the Committee's general recommendations and the Committee's views and recommendations on individual communications and inquiries.

10. **The Committee recommends that the State party:**

(a) **Disseminate and give publicity to the Convention, the Optional Protocol thereto and the Committee's general recommendations among all segments of society and facilitate access to information, including with Danish-language translations, on the Committee's views and recommendations on individual communications and inquiries, including through capacity-building programmes for lawyers, judges, prosecutors, police officers and other law enforcement officers;**

(b) **Raise awareness among women of their rights under the Convention and of legal remedies available at the national and local levels, including through information campaigns and the media.**

Legislative framework

11. The Committee regrets that, notwithstanding its previous recommendation (CEDAW/C/DEN/CO/7, para. 15), the State party decided in October 2014 not to incorporate the Convention into its national legal order. In that regard, the Committee is concerned that the State party's Supreme Court has ruled that non-incorporated treaties do not have the same status in national law as incorporated treaties. The Committee reiterates that, the special self-governing and autonomous status of the territories of Greenland and the Faroe Islands notwithstanding, the primary responsibility for ensuring the implementation of the Convention across its territory remains with the State party. The Committee is also concerned at the absence of legislation for the general prohibition of all forms of discrimination against women covered under the Convention and of a comprehensive law on the prohibition of discrimination covering all internationally recognized grounds. The Committee is concerned that that situation could result in legal ambiguity and inconsistency in addressing the rights of women belonging to disadvantaged or marginalized groups who face intersecting forms of discrimination.

12. **The Committee reiterates its call upon the State party to reconsider its decision not to incorporate the Convention into its national legal order, or at least to adopt a comprehensive law on the prohibition of sex discrimination in all areas covered by the Convention. The Committee also recommends that the State party consider the enactment of a comprehensive law on the prohibition of discrimination covering all internationally recognized grounds and the establishment of institutionalized structures to exchange and coordinate information among its various bodies for tackling discrimination, with a view to ensuring legal clarity and consistency, especially for women who are victims of intersecting forms of discrimination.**

Gender mainstreaming

13. The Committee welcomes the launch by the State party of a national strategy for gender mainstreaming for the public sector in 2013. It notes with concern, however, that the strategy does not encompass education and that its impact on assessing new legislation remains limited in practice. The Committee is also

concerned that, the adoption of the national strategy notwithstanding, most municipal government authorities have no strategy or plan for gender mainstreaming.

14. **The Committee recommends that the State party establish time-bound objectives regarding educational initiatives and the involvement of the educational sector. It also recommends that the State party take measures to facilitate the development of gender mainstreaming tools for legislation and for context-specific strategy plans for gender mainstreaming at the municipal level, including in Greenland and the Faroe Islands.**

Temporary special measures

15. The Committee welcomes the existing, albeit rather limited, temporary special measures and the progress made in increasing the participation of women in the parliament and on management boards of companies and autonomous public enterprises. The Committee remains concerned, however, about the underrepresentation of women in academic institutions and in the private sector, especially at decision-making levels and, in particular, in technical areas, owing to the continuing existence of stereotypes concerning the roles of men and women in the family and society. The Committee is also concerned about the limited use of temporary special measures in Greenland and the Faroe Islands, as well as with regard to migrant women.

16. **In accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 on the subject, the Committee recommends that the State party evaluate the impact of existing temporary special measures, in particular in Greenland and the Faroe Islands, as well as with regard to migrant women, including through the collection and analysis of gender-disaggregated data, and take new measures to accelerate the achievement of substantive gender equality in all areas under the Convention in which women continue to be disadvantaged or underrepresented, and also to combat stereotypes concerning the traditional roles of men and women in the family and society.**

Violence against women

17. The Committee welcomes the continued progress achieved by the State party in combating violence against women, including the establishment of systematic training for health-care professionals, police officers, teachers, educators and other professionals who may deal with victims of such violence. The Committee remains concerned, however, about:

(a) The absence of gender-disaggregated data on all forms of violence against women, including domestic violence and homicide by intimate partners;

(b) The inadequacy of protection and restraining orders for victims of violence against women in Greenland and the Faroe Islands;

(c) The absence of explicit legal provisions ensuring that women are protected from psychological violence.

18. **The Committee recommends that the State party:**

(a) **Enact legislation providing for the collection of data, disaggregated by age, ethnicity, nationality and relationship between the victim and the perpetrator, on all forms of violence against women and establish a mechanism with a clear mandate as well as adequate human, technical and financial resources for the analysis of such data;**

(b) **Further strengthen the quality and accessibility of protection measures, including restraining orders, for women who are victims of violence in Greenland and the Faroe Islands;**

(c) **Adopt a legislative framework that explicitly provides for the protection of women from psychological violence, in line with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, to which Denmark is a party.**

Trafficking and exploitation of prostitution

19. The Committee welcomes the State party's adoption of its fourth national action plan against human trafficking (2015-2018); the extension to 120 days of what is known as the "reflection period", which allows for victims to remain in the State party and receive medical and psychological support; and the adoption of a specific legal provision on granting temporary residence to victims who participate in criminal investigations into and/or prosecutions of traffickers. The Committee remains concerned, however, at the continued practice of subjecting potential victims of trafficking, especially those who lack regular migration status, to confinement by law enforcement authorities for up to 72 hours while identification processes are carried out.

20. **The Committee recommends that the State party take measures to ensure that non-custodial accommodation is provided, with full access to appropriate medical and psychological support, for potential victims of trafficking while identification processes are carried out. Furthermore, the Committee encourages the State party to continue to strengthen its efforts to prevent trafficking aimed at international, regional and bilateral cooperation with countries of origin, transit and destination through the exchange of information and to harmonize legal procedures aiming at prosecution of traffickers.**

21. The Committee welcomes the State party's programmes that support women who wish to leave prostitution, but is concerned that they do not adequately meet the needs of women who are not nationals of the State party. The Committee is also concerned about the inadequacy of measures taken to discourage the demand for prostitution. While noting that the purchase of sex from a victim of trafficking is a criminal offence in the State party, the Committee is concerned that there have been no prosecutions for such offences to date. Furthermore, the Committee is concerned that most women involved in street prostitution in the State party are non-nationals, which may indicate that specific needs and vulnerabilities are not being adequately addressed by existing measures to combat the exploitation of prostitution.

22. **The Committee recommends that the State party consider measures to discourage the demand for prostitution. The Committee also recommends that the State party strengthen its measures to prosecute and punish traffickers. The Committee further recommends that the State party strengthen the assistance**

provided to victims of trafficking who have been subjected to forced prostitution and ensure that individuals who have purchased sex from victims of trafficking are prosecuted. The Committee also encourages the State party to further strengthen its measures to support women, especially non-nationals, who wish to leave prostitution. The Committee also recommends that the State party analyse the factors leading to the involvement of non-national women in prostitution with a view to applying the analysis to strengthen measures to address specific vulnerabilities to trafficking and exploitation of prostitution.

Participation in political and public life

23. The Committee acknowledges the adoption of the parliamentary bill on the promotion of gender balance on the boards of private and public companies in 2012. The Committee welcomes the results achieved in increasing the participation of women in the parliament of Denmark, but remains concerned at the low representation of women in the parliaments of Greenland and the Faroe Islands. Furthermore, the Committee is concerned about the underrepresentation of women in municipal councils and executive bodies.

24. **The Committee calls upon the State party to take measures, including temporary special measures such as statutory quotas or incentives for political parties to include an equal number of women and men in their electoral lists, especially at the municipal level and in Greenland and the Faroe Islands, to accelerate the equal representation of women in political and public life. In doing so, the State party should pay particular attention to the representation of women in legislative and executive bodies at the municipal level and in Greenland and the Faroe Islands, including in decision-making positions. The Committee also urges the State party to closely monitor the implementation of the parliamentary bill on the promotion of gender balance on the boards of private and public companies, adopted in 2012.**

Nationality

25. The Committee notes the State party's policy of generally ensuring gender equality in the transmission of nationality, but remains concerned that the existing law on citizenship continues to have an adverse impact on stateless women and girls, given that it does not grant automatic citizenship to children born in the State party's territory to stateless parents.

26. **The Committee encourages the State party to ensure that its national citizenship legislation complies fully with the 1961 Convention on the Reduction of Statelessness, in particular by providing for the automatic granting of nationality to all children born in Denmark who would otherwise be stateless. In doing so, the State party should ensure that its procedures for addressing statelessness are timely and gender sensitive, in accordance with the Committee's general recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women.**

Education

27. The Committee commends the State party for the high level of education of women in Denmark, but remains concerned about:

(a) The continued prevalence of stereotypical educational choices by women and girls as well as by men and boys, resulting in the underrepresentation of women and girls in fields of study traditionally dominated by males, such as science, technology, engineering and mathematics;

(b) The low number of women who advance in academic careers, in particular at the professorial level;

(c) The lack of comprehensive master's and doctoral programmes in gender studies.

28. **The Committee recommends that the State party:**

(a) **Intensify its efforts aimed at diversifying academic and vocational choices for women and men and girls and boys, and take further measures to encourage women and men to choose non-traditional fields of education and career paths, such as science and technology for women and caregiving roles for men;**

(b) **Further encourage and facilitate academic careers by women, including through special temporary measures, in particular at the professorial level;**

(c) **Consider promoting the establishment of comprehensive master's and doctoral programmes in gender studies.**

Employment

29. The Committee welcomes the establishment in 2011 of a tribunal for equal pay, but remains concerned at:

(a) The persistent gender wage gap and the lack of legal obligations that require transparency, including on comparative figures in individual cases, on the part of employers regarding data on remuneration; the lack of legal clarity on the definition of work of equal value; and the lack of information on successful cases seeking redress and compensation for gender-based wage differences;

(b) The concentration of women in part-time work, which adversely affects their career development and pension benefits;

(c) The absence of clearly defined sanctions for companies that fail to meet targets for equal gender representation;

(d) The prevalence of de facto employment discrimination relating to pregnancy and childbirth;

(e) The lack of legal obligations on public authorities to promote gender equality in the context of public procurement.

30. **The Committee recommends that the State party:**

(a) **Continue to reduce the gender pay gap with a view to eliminating it, including by improving its data collection system to provide regular and independently verifiable data on gender and wages that are cross-comparable, and analyse the data collected as a basis for assessing progress achieved in the realization of gender equality in pay and for designing policies and programmes to eliminate gender-based wage differences; provide clear**

guidance on the concept of equal pay for work of equal value; and provide effective mechanisms for seeking redress and compensation for violations of the principle of equal pay for work of equal value;

(b) Take proactive measures to eliminate occupational segregation, including by facilitating the provision of options for making a transition from part-time employment to full-time employment and creating more opportunities for women to gain access to full-time employment;

(c) Provide for adequate and clearly defined sanctions for companies that fail to meet targets for equal gender representation and provide specific mechanisms for the prompt enforcement of such sanctions;

(d) Consider strengthening the legal protection of women in cases of discrimination in the workplace relating to pregnancy and childbirth;

(e) Take measures to increase the participation of women in the labour market arising out of public procurement, including by establishing obligations for public authorities to promote gender equality in the allocation of public procurement contracts.

Health

31. The Committee is concerned about the high prevalence of abortion, especially by underage women, in Greenland. The Committee notes that the legislation on abortion in the Faroe Islands does not allow for the same access to abortion services by women there as is available to women in Greenland and mainland Denmark. The Committee is concerned that the geographic isolation of the Faroe Islands may lead to situations in which women or girls seeking a termination of pregnancy there may be subject to unnecessary risks or are disadvantaged compared with women and girls in mainland Denmark and Greenland.

32. **The Committee recommends that the State party take measures to reduce the high prevalence of abortion in Greenland, including through education on sexual and reproductive health, especially in schools. Furthermore, the Committee urges the State party to review its position on abortion in the Faroe Islands, with a view to ensuring that women and girls there have the same access to safe and legal abortion services as women and girls in mainland Denmark.**

Disadvantaged groups of women

33. The Committee remains concerned about discrimination against migrant women, including intersecting forms of discrimination on the basis of sex and other grounds such as ethnic or religious background. The Committee further reiterates its previous concern that most women living with HIV/AIDS in the State party are foreign-born women belonging to ethnic minorities.

34. **The Committee recommends that the State party take measures to eliminate discrimination, including intersecting forms of discrimination, against migrant women, both in society at large and within their communities, and promote positive images of women belonging to ethnic and religious minorities. The Committee also recommends that additional targeted measures be taken to ensure that migrant women and girls have access to sexual and**

reproductive health services and education, especially for foreign-born women belonging to ethnic minorities, with a view to preventing and tackling HIV and other sexually transmitted diseases.

35. The Committee notes the inadequacy of support services, including for ensuring non-discrimination, for lesbian, bisexual and transgender women.

36. **The Committee recommends that the State party consider assessing the difficulties faced by lesbian, bisexual and transgender women with the aim of ensuring that they fully enjoy their rights.**

37. The Committee notes with concern that older women in the State party face intersecting forms of discrimination.

38. **In line with its general recommendation No. 27 on older women and protection of their human rights, the Committee recommends that the State party raise awareness about intersecting forms of discrimination faced by older women and pay special attention to their precarious situation; develop measures that adequately address their health, economic and emotional needs in order to avoid poverty and isolation; and ensure that care centres are available to meet the needs of older women, especially single older women and those without family support.**

Equality before the law

39. The Committee is concerned that the increasing use of gender-neutral language and policies in the State party could unintentionally result in an increase of substantive inequality between women and men. In particular, the Committee is concerned that the gender-neutral application of the Criminal Code may lead to a lack of gender-disaggregated data on domestic violence, thereby obscuring the fact that women are overwhelmingly the victims of such violence, and to a decrease in funding for women-only programmes and services.

40. **The Committee urges the State party to comprehensively assess the gender-neutral approach in legislation and policymaking, with emphasis on the potentially negative implications of gender-neutral policy for public funding programmes specifically for women.**

Family relations and economic consequences of divorce

41. The Committee is concerned that, while the State party's Act on the Legal Effects of Marriage provides for a community property regime, it does not adequately address gender-based economic disparities between spouses resulting from traditional work and family-life patterns that often lead to men benefiting from an enhancement of their human capital and greater earning potential, whereas women often experience the reverse. However, neither existing legislation nor case law addresses the questions of how personal goodwill, future earning capacity or increased human capital should be distributed in redressing possible gender-based economic disparities between spouses. The Committee is further concerned that owing to inconsistent case law the economic rights of women living in de facto relationships are only partially protected.

42. **The Committee calls upon the State party to conduct research on the economic consequences of divorce on both spouses, taking into account the**

length of the marriage and the number of children, and to adopt such legal measures as may be necessary to redress economic disparities between men and women upon the dissolution of marriage, including, in particular, recognizing all career-related assets (i.e. earning potential, personal goodwill and enhanced human capital) to be part of the marital assets to be distributed between the spouses upon divorce or taken into account in the award of post-divorce periodic payments. The Committee further urges the State party to adopt the legal measures necessary to guarantee women living in de facto relationships economic protection by recognizing their rights to the property accumulated during the relationship, in line with the Committee's general recommendation No. 29 on article 16 of the Convention (economic consequences of marriage, family relations and their dissolution).

Family reunification

43. The Committee notes that the State party has recently evaluated its policy, adopted as a measure to combat forced marriage, that, for the purpose of family reunification, migrant spouses must generally be at least 24 years of age. The Committee also notes the State party's assertion, made during the dialogue, that the requirement is de jure gender neutral. The Committee remains concerned, however, that the requirement may nonetheless, de facto, unduly restrict women's right to family life in the State party.

44. **The Committee recommends that the State party establish monitoring and follow-up procedures for evaluating whether the minimum age requirement for family reunification of migrant spouses may result in de facto gender discrimination. It also urges the State party to continue to explore alternatives to the minimum age requirement as a means of combating forced marriage.**

Data collection and analysis

45. The Committee is concerned about the inadequacy of sex-disaggregated statistical data and systems for the compilation and cross-comparison of existing data. It notes that data disaggregated by sex, age, nationality, geographical location and socioeconomic background are necessary to accurately assess the situation of women, to determine whether they suffer from discrimination, for informed and targeted policymaking and to systematically monitor and evaluate progress achieved towards the realization of substantive equality of women in all areas covered by the Convention.

46. **The Committee calls upon the State party to develop a gender indicator system to improve the collection of data that are cross-comparable and disaggregated by sex and other relevant factors necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights. In this regard, the Committee draws the State party's attention to the Committee's general recommendation No. 9 on statistical data concerning the situation of women.**

Amendment to article 20 (1) of the Convention

47. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

48. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

Millennium Development Goals and the post-2015 development framework

49. **The Committee calls for the integration of a gender perspective, in accordance with the provisions of the Convention, into all efforts aimed at the achievement of the Millennium Development Goals and into the post-2015 development framework.**

Dissemination

50. **The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests that the present concluding observations be disseminated in a timely manner, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the parliament and the judiciary, in Denmark and in the territories of Greenland and the Faroe Islands, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, including employers' associations, trade unions, human rights and women's organizations, universities, research institutions and the media. It further recommends that the present concluding observations be disseminated in an appropriate form at the local community level, so as to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention, the Optional Protocol thereto and relevant jurisprudence, in addition to the Committee's general recommendations, to all stakeholders.**

Ratification of other treaties

51. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

life. The Committee therefore encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party. The Committee also encourages the State party to consider ratifying the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

Follow-up to the concluding observations

52. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraph 18 above.**

Preparation of the next report

53. **The Committee invites the State party to submit its ninth periodic report in March 2019.**

54. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).**